

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

AMBER SALAZAR, an individual, on
behalf of herself, and on behalf of all other
persons similarly situated,
Plaintiffs,

v.

WELLS FARGO N.A., and DOES 1
through 100, inclusive,
Defendants.

CASE NO. 2:09-CV-01829-LDG-GWF

CLASS ACTION

~~PROPOSED~~ ORDER GRANTING FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT

Judge Lloyd D. George

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SETTLEMENT

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1 The parties have submitted their Settlement Agreement and Joint Stipulation
2 evidencing their proposed settlement (the "Settlement"), which this Court preliminarily approved
3 in its December 14, 2010 Order. In accordance with the preliminary approval order, Class
4 Members have been given notice of the terms of the Settlement and the opportunity to object to it
5 or to exclude themselves from its provisions.

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7 Having received and considered the Settlement, the supporting papers filed by the
8 parties, the application for final approval of the settlement of this class action and an award of
9 Plaintiffs' attorneys' fee and reimbursement of expenses, and the evidence and argument received
10 by the Court at the final approval hearing, the Court grants final approval to the Settlement, and
11 HEREBY ORDERS and MAKES DETERMINATIONS as follows:

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13 1. The Class covered by this Order is defined as:
14 "All current and former hourly Wells Fargo employees with the job title "Business Banking
15 Specialist," including positions with similar titles and/or duties who worked in Nevada at any
16 time from August 11, 2006 through December 14, 2010."

17 2. Pursuant to this Court's order of December 14, 2010, a Notice of Class Action
18 Settlement, and Exclusion Form were sent to each Class Member by first-class mail. These
19 papers informed Class Members of the terms of the Settlement, their right to object to the
20 Settlement or to elect not to participate in the Settlement and pursue their own remedies, and their
21 right to appear in person or by counsel at the final approval hearing and be heard regarding
22 approval of the Settlement. Adequate periods of time were provided by each of these procedures.
23 No Class Members filed timely written objections to the Settlement as part of this notice process
24 or stated his or her intent to appear at the final approval hearing.

25 3. The Court finds and determines that this notice procedure afforded adequate
26 protections to Class Members and provides the basis for the Court to make an informed decision
27 regarding approval of the Settlement based on the responses of Class Members. The Court finds
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1 and determines that the notice provided in this case was the best notice practicable, which
2 satisfied the requirements of law and due process.

3 4. For the reasons stated in the Court's December 14, 2010 preliminary approval
4 order, the Court finds and determines that the proposed Settlement Class, as defined in the
5 definitions section of the Settlement, meets all of the legal requirements for class certification,
6 and it is hereby ordered that the Settlement Class is finally approved and certified as a class for
7 purposes of settlement of this action.

8 5. The Court further finds and determines that the terms of the Settlement are fair,
9 reasonable and adequate to the class and to each Class Member and that the Class Members who
10 have not opted out shall be bound by the Settlement, that the Settlement is ordered finally
11 approved, and that all terms and provisions of the Settlement should be and hereby are ordered to
12 be consummated.

13 6. The Court finds and determines that the payments to be made to the Settlement
14 Class Members as provided for in the Settlement are fair and reasonable. The Court hereby gives
15 final approval to and orders the payment of those amounts be made to the Settlement Class
16 Members out of the \$100,000 Maximum Settlement Amount in accordance with the terms of the
17 Settlement. Wells Fargo shall pay an amount up to \$100,000, with an additional payment of up to
18 \$5,000 to the Claims Administrator, if necessary, to pay for additional administrative costs
19 incurred, in full satisfaction of the claims as more specifically described in the Settlement. After
20 fees, costs, residual administration costs, and incentive award, the remainder Net Fund Value
21 (NFV) shall be paid to participating class members on a pro rata basis in proportion to all
22 Settlement Class Members, in the formula specified in the Settlement. Any portion of the NFV
23 that is not claimed by Settlement Class Members, either because they did not submit a valid and
24 timely Claim Form or opted out of the Settlement shall permanently revert to Defendant.

25 8. The Court hereby grants and approves the application presented by Plaintiffs'
26 Attorneys for an award of fees in the amount of \$25,000, attorneys' costs in the amount of \$8000,
27 claims administration fees of \$4,000 to be paid out of the Maximum Settlement Amount in
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1 accordance with the terms of the Settlement, and remaining \$5,000 in claim administration costs
2 to be paid by Wells Fargo.

3 9. The Court hereby grants and approves the application presented by the Plaintiff for
4 an award of an enhancement in the amount of \$2,500.00 to Amber Salazar to be paid out of the
5 Maximum Settlement Amount in accordance with the terms of the Settlement.

6 10. Upon completion of administration of the Settlement, the Settlement Administrator
7 will provide written certification of such completion to the Court and counsel for the parties.

8 11. Pursuant to the Settlement, all Class Members (except for those who filed
9 Exclusion Forms) are adjudged to have released Defendant and its former and present parents,
10 subsidiaries, and affiliated corporations and entities, and each of its respective past and present
11 officers, directors, employees, partners, attorneys, accountants, insurers, shareholders and agents,
12 and any other successors, assigns, or legal representatives, of and from any and all rights, claims,
13 demands, liabilities, causes of action, liens and judgments arising out of or in any way related to
14 the matters set forth, or that could have been set forth, in the Complaint in relation to the alleged
15 claims relating to the release as set forth in the Settlement, including, without limitation, any and
16 all conduct, events or transactions occurring within the Class Period, and any and all claims for
17 alleged violations under Nevada and/or federal law, relating to overtime or the other allegations
18 of the Action, including claims under NRS § 608.016; NRS § 608.018; NRS § 608.140; 29
19 U.S.C. § 201, et seq.; 29 U.S.C. § 207; 29 U.S.C. § 216; 29 U.S.C. § 255; claims of conversion,
20 claims for restitution and other equitable relief, liquidated damages, punitive damages, penalties,
21 or any other benefit claimed on account of the allegations asserted in the Action arising from
22 August 11, 2006, through December 14, 2010.

23 12. Pursuant to the Settlement, all Class Members (except for those who filed
24 Exclusion Forms) are permanently barred from prosecuting against Defendant, and its former and
25 present parents, subsidiaries, and affiliated corporations and entities, and each of its respective
26 officers, directors, employees, partners, shareholders and agents, and any other successors,
27 assigns, or legal representatives, any individual or class claims that were released as set forth in
28 the Settlement.

1 13. Pursuant to the Settlement, Plaintiff is conclusively deemed to have released all
2 claims against the Released Parties as described in the Settlement.

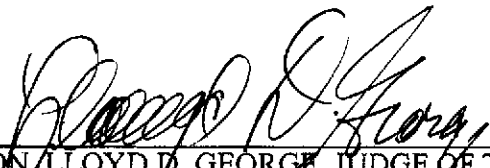
3 14. The parties are hereby ordered to comply with the terms of the Settlement.

4 15. This action, and the claims alleged in the Complaint filed in the Action is hereby
5 ordered dismissed with prejudice, each side to bear its own costs and attorneys' fees except as
6 provided by the Settlement.

7 16. Without affecting the finality of this Final Order in any way, this Court retains
8 jurisdiction of all matters relating to the interpretation, administration, implementation,
9 effectuation and enforcement of this order and the Settlement.

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11 IT IS SO ORDERED.

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13 Dated: July 6, 2011

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17 HON/LLOYD D. GEORGE, JUDGE OF THE
UNITED STATES DISTRICT COURT

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~~Plaintiff~~ ORDER GRANTING FINAL
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